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7 *Attorneys for the United States*

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9                   **UNITED STATES DISTRICT COURT**  
10                   **DISTRICT OF NEVADA**

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12                   UNITED STATES OF AMERICA,

13                   vs.

14                   Plaintiff,  
15                   BOBBY THOMPSON and  
16                   RANDY HUMPHREY,  
17                   Defendants.

18                   2:17-mj-00947-PAL

19                   Stipulation to Continue the  
Preliminary Hearing  
(Sixth Request)

20                   IT IS HEREBY STIPULATED AND AGREED, by and between DAYLE  
21                   ELIESON, United States Attorney, and ALEXANDRA MICHAEL AND NADIA  
AHMED, Assistant United States Attorneys, counsel for the United States of America,  
and Nicholas Wooldridge, Esq., counsel for Defendant BOBBY THOMPSON, and Brian  
Smith, Esq., counsel for defendant RANDY HUMPHREY, that the preliminary hearing  
date in the above-captioned matter, currently scheduled for June 18, 2018, at 4:00 p.m.,  
be vacated and continued for thirty (30) days, to a date and time to be set by this

1 Honorable Court.

2 This stipulation is entered into for the following reasons:

3 1. Defendant Humphrey has entered into a formal plea agreement with the  
4 United States. The plea agreement has been signed and has been submitted to the Court  
5 so that a change of plea hearing may be set.

6 2. Defendant Thompson intends to enter into a written, formal plea  
7 agreement but his counsel Nicholas Wooldrige, Esq., was out of the District this week  
8 and needs additional time to get the plea agreement signed. Defendant Thompson has  
9 signed a waiver of indictment in anticipation of executing the formal plea agreement.

10 3. All parties agree to the continuance.

11 4. The defendants are currently detained pending trial but do not object to a  
12 continuance.

13 5. Denial of this request for continuance could result in a miscarriage of  
14 justice.

15 6. The additional time requested herein is not sought for purposes of delay,  
16 but to allow for both Defendant Humphrey and Defendant Thompson to enter their pleas  
17 consistent with their respective signed plea agreements.

18 7. The additional time requested by this stipulation, is allowed, with the  
19 defendants' consent under the Federal Rules of Procedure 5.1(d).

20 8. The Court previously indicated that no further extensions would be  
21 allowed. ECF No. 35. However, the parties hereby request that the Court allow one  
22 additional extension for procedural purposes so that the change of plea hearings may  
23 take place thereby resolving the case pre-indictment and obviating the need for a

preliminary hearing.

9. This is the sixth request for a continuation of the preliminary hearing for both Defendants.

DATED this \_\_\_\_th day of June, 2018.

Respectfully submitted,

## For the Defendants:

## **For the United States:**

//S//  
NICHOLAS WOOLRIDGE, ESQ.  
Counsel for Defendant - Thompson

DAYLE ELIESON  
United States Attorney  
//s//  
ALEXANDRA MICHAEL  
NADIA AHMED  
Assistant United States Attorneys

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BRIAN SMITH, ESQ.  
Counsel for Defendant – Humphrey

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2                   **UNITED STATES DISTRICT COURT**  
3                   **DISTRICT OF NEVADA**  
4                   **-oOo-**

5                   UNITED STATES OF AMERICA,

2:17-mj-00947-PAL

6                   Plaintiff,

7                   vs.

**ORDER**

8                   BOBBY THOMPSON and  
9                   RANDY HUMPHREY,

10                  Defendants.

11                  Based on the pending Stipulation of counsel, and good cause appearing  
12 therefore, the Court finds that:

13                  1.        Defendant Humphrey has entered into a formal plea agreement with the  
14 United States. The plea agreement has been signed and has been submitted to the Court  
so that a change of plea hearing may be set.

15                  2.        Defendant Thompson intends to enter into a written, formal plea  
16 agreement but his counsel Nicholas Wooldrige, Esq., was out of the District  
17 this week and needs additional time to get the plea agreement signed.  
18 Defendant Thompson has signed a waiver of indictment in anticipation of  
19 executing the formal plea agreement.

20                  3.        All parties agree to the continuance.

21                  4.        The defendants are currently detained pending trial but do not object to a  
22 continuance.

23                  5.        Denial of this request for continuance could result in a miscarriage of

justice.

6. The additional time requested herein is not sought for purposes of delay, but to allow for both Defendant Humphrey and Defendant Thompson to enter their pleas consistent with their respective signed plea agreements.

7. The additional time requested by this stipulation, is allowed, with the defendants' consent under the Federal Rules of Procedure 5.1(d).

8. The Court previously indicated that no further extensions would be allowed. ECF No. 35. However, the parties are requesting the additional extension for procedural purposes so that the change of plea hearings may take place thereby resolving the case pre-indictment and obviating the need for a preliminary hearing.

9. This is the sixth request for a continuation of the preliminary hearing for both Defendants.

For all of the above-stated reasons, the ends of justice would best be served by a continuance of the preliminary hearing date.

## CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendants, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny Defendant Humphrey an opportunity to plea guilty to the pre-indictment plea offer, for Defendant Thompson to potentially resolve the case pre-indictment, and if the case is not resolved pre-indictment, it further would deny the parties sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for the preliminary hearing, taking into account the exercise of due diligence.

The continuance sought herein is allowed, with the defendants' consent, pursuant to Federal Rules of Procedure 5.1(d).

## ORDER

IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled for June 18, 2018, at the hour of 4:00 p.m., be vacated and continued to July 18, 2018, at the hour of 4:00 p.m.

DATED this 18th day of June, 2018.

Peggy A. Leen  
THE HONORABLE PEGGY A. LEEN  
UNITED STATES MAGISTRATE JUDGE